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## **Attorneys For Defendants Bayer Corporation and Bayer Healthcare LLC**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CENTER FOR SCIENCE IN THE PUBLIC  
INTEREST, a non-profit membership  
organization, on behalf of itself and its  
members,

Plaintiffs,

v.

BAYER CORPORATION; BAYER  
HEALTHCARE LLC.; and DOES 1-10,

Defendants.

) Case No. **No. 09-cv-05379-JSW**  
 ) Assigned to: Hon. Jeffrey S. White  
 )  
 )  
 ) [PROPOSED] ORDER GRANTING  
 ) MOTION TO DISMISS BY DEFENDANTS  
 ) BAYER CORPORATION AND BAYER  
 ) HEALTHCARE LLC  
 )  
 ) Complaint Filed: September 30, 2009  
 ) Case Removed: November 13, 2009  
 )  
 ) Date: February 19, 2010  
 ) Time: 9:00 a.m.  
 ) Place: Courtroom 11

## ORDER

The Motion to Dismiss by Defendants Bayer Corporation and Bayer Healthcare LLC having come on for hearing, and after considering all papers and pleadings on file hereon, and the argument of counsel at the hearing of this motion, and having found that Plaintiff's Complaint fails to state a claim upon which relief can be granted, IT IS HEREBY ORDERED THAT the Motion to Dismiss is GRANTED, and the Complaint is DISMISSED WITH PREJUDICE. The Clerk shall enter judgment and close the case.

Dated: \_\_\_\_\_

Honorable Jeffrey S. White  
District Court Judge

Respectfully submitted,

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